

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on July 9, 2010 and July 30, 2010 have been entered.

### ***Examiner's Amendment***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark J. Thronson (Reg. No. 33,082) on August 27, 2010.

3. The application has been amended as follows:

### **IN THE CLAIMS:**

- (a) **Claim 1, second-to-last line:** "focused on" has been changed to --focused selectively on--.
- (b) **Claim 19, second-to-last line:** "focused on" has been changed to --focused selectively on--.

***Reasons for Allowance***

4. **Claims 1-8 and 10-19** are allowed over the prior art of record.
5. The following is an examiner's statement of reasons for allowance:
  - (a) **In regard to claim 1**, the prior art of record alone or in combination fails to teach or suggest:

an optical pickup apparatus for shining light on an optical disk having two recording layers and for detecting reflected light from the optical disk, comprising:

a light source configured to shine the light on the optical disk;

an optical system situated on a path of a light beam returning from the optical disk inclusive of light reflected by a first recording layer of the optical disk and light reflected by a second recording layer of the optical disk, said optical system including:

a light condensing optical unit to turn the returning light beam into a condensing light beam; and

a light beam regulating unit to extract from the condensing light beam a partial-cross-section light beam corresponding to only a part of a cross section of the condensing light beam; and

one or more photo detectors, situated between a first position where the light reflected by the first recording layer contained in the partial-cross-section light beam is condensed and a second position where the light reflected by the second recording layer contained in the partial-cross-section light beam is condensed, said one or more photo detectors having a first photo detecting section to detect the light reflected by the first recording layer and a second photo detecting section to detect the light reflected by the second recording layer, and the first and second positions being spaced apart from each other along an optical axis of the light condensing optical unit,

wherein substantially no light reflected by the first recording layer reaches the second photo detecting section, and substantially no light reflected by the second recording layer reaches the first photo detecting section that is in contact with and adjoins the second photo detecting section, the light shone by the light source on the optical disk being focused selectively on one of the first recording layer and the second recording layer.

- (b) **Claim 19** has similar allowable features as claim 1.
- (c) **Claims 2-8 and 10-18** are dependent upon allowed base claims.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark L. Fischer whose telephone number is (571) 270-3549. The examiner can normally be reached on Monday-Friday from 9:00AM to 6:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark L Fischer/  
Examiner, Art Unit 2627

***/Brian E. Miller/***  
***Primary Examiner, Art Unit 2627***